IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 11568 of 2000

Between:

1 G.Ramesh S/o Chennaiah
R/o Ramaswamy Palem Bitragunta, Nellore District
2 K.Munuswamy S/o Munuswamy
R/o Tada Harizanawada Tada Village & Mandal
Nellore District **.....** Petitioners

AND

1 The Chief Engineer, A.P.Transco,
Nellore Zone Nellore District
2 The Superintending Engineer Operation A.P.Transco,
Nellore

..... Respondents.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order passed by the Superintending Engineer, Operation , Nellore, 2nd respondent herein in his proceedings No:SE/O/NLR/Adm.U2/D.No:380/99, Dated 3-7-99 cancelling the selection and allotment orders issued to the petitioners vide proceedings No:SE/O/NLR/Adm.U2/D.No.372/99, Dt:30-6-99 of the 2nd respondent as illegal, arbitrary without any authority of law and against the principles of natural justice and violative of Art.14, 16 & 21 of the Constitution of India and set aside the same and issue a consequential direction to the respondent to act in accordance with the Proceedings No.SE/O/NLR/Adm.U 2/D.No.372/99 Dt.30.6.99 and to pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioners: Mr.V.Sudhakar REDDY, Advocate

Counsel for the Respondents.: Mr.S.Ravindranath, SC for AP.TRANSCO

The Court made the following order **:**

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 11568 OF 2000

ORDER:

This Writ Petition is filed questioning the proceedings No. SE/O/NLR/Adm.U2/D.No.380/99, dated 3-7-1999 issued by the second respondent, canceling the earlier order dated 30-6-1999, in view of the orders of this Court dated 30-6-1999 passed in Writ Petition No. 12949 of 1999.

In operation circle of Nellore, the Superintendent Engineer, A.P. TRANSCO, has notified two vacancies of Junior Lineman and sent requisition to the District Employment Exchange for sponsoring the qualified candidates. On such requisition, these two petitioners were sponsored by the employment exchange, as they are qualified as much as they have passed SSC and ITI with electrical trade. Pursuant to the selection of candidates, orders in proceedings No. SE/O/NLR/Adm.U2/D.No.372/99, dated 30-6-1999 were issued to the petitioners appointing them as Junior Linemen. Subsequently, one other qualified candidate has approached this Court and filed Writ Petition No. 12949 of 1999 questioning the action of the respondents in not notifying the vacancies and confining the consideration to the names sponsored by the employment exchange. Initially interim order was passed by this Court on 30-6-1999. Even in the said order, this court has merely directed the respondents not to make any further appointment. However, the respondents referring to the said order, have passed the impugned order, cancelling the selection, which was made earlier.

Subsequent to the passing of the impugned order, the petitioners also impleaded as party respondents 4 and 5 in the earlier Writ Petition No. 12949 of 1999 and ultimately this Court by order dated 6-8-1999, dismissed the said Writ Petition.

Subsequently, the petitioners, who were selected earlier, are issued orders dated 17-10-2000 in proceedings No.SE/O/NLR/Adm.U2/D.No. 498/2000 appointing them as Junior linemen.

The only ground, on which the Writ Petition is filed, is that the impugned order is passed only with reference to the order dated 30-6-1999 passed by this Court in Writ Petition No. 12949 of 1999, but not referring to any other independent reasons. The said order passed by this Court was an ad-interim order, and, even otherwise, there was no such direction issued by this court either to cancel the earlier selection or to keep the selection in abeyance. In any event, the earlier Writ Petition No. 12949 of 1999 was dismissed by this Court by order dated 6-8-1999. In that view of the matter, the impugned order is fit to be set aside. Accordingly, the impugned order in proceedings No. SE/O/NLR/Adm.U2/D.No.380/99, dated 3-7-1999 issued by the second respondent is set aside.

The Writ Petition is allowed as prayed for. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATED: 21st June, 2004.

Msnr.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Chief Engineer, A.P.Transco,
Nellore Zone Nellore District
2 The Superintending Engineer Operation A.P.Transco,
Nellore

3) 2 CD copies